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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, OCTOBER 1, 1999

NOTIFICATION OF

EQUITABLE PRODUCTION COMPANY

CASE NO. PUE990435

To make an exempt sale of
gas and to provide related
facilities in Wise County
pursuant to § 56-265.4:5
of the Code of Virginia

ORDER DOCKETING PROCEEDING AND PROVIDING FOR NOTICE

On June 25, 1999, as supplemented on September 15, 1999, Equitable Production Company ("Equitable Production" or "the Company") notified the State Corporation Commission, pursuant to § 56-265.4:5 of the Code of Virginia, of its plan to make exempt sales of natural gas to Red Onion State Prison, Wise County. To serve the facility, Equitable Production also plans to construct, own, and operate a meter facility at Red Onion State Prison. The meter facility will consist of a measuring station and meter, a tap, and a pipeline connecting the tap and meter, as well as other necessary equipment.

According to the application, Equitable Production will sell gas to Red Onion State Prison solely for use at the prison as boiler fuel and for other fuel requirements. Equitable Production and the Virginia Department of Corrections, which

operates Red Onion State Prison, have entered into a contract, and Equitable Production anticipates that sales of gas will commence about November 1, 1999. The Virginia Department of Corrections has contracted with Evan Energy Company, L.C. to provide transmission and delivery services.¹

Equitable Production stated in its application that, based upon its information, Red Onion State Prison is not within a territory for which a certificate to provide gas service has been issued by the Commission under the Utility Facilities Act and, as of the date of the filing of its notification to the Commission, the prison is not located within any area, territory, or jurisdiction served by a municipal corporation that provided gas distribution service as of January 1, 1992.

On July 30, 1999, as supplemented on September 27, 1999, the Commission's Division of Energy Regulation filed with the Commission's Document Control Center memoranda concerning Equitable Production's notification. The Division of Energy Regulation had investigated the location of Red Onion State Prison and had determined that the facility was not located within a territory for which a certificate of public convenience and necessity had been granted. Likewise, the facility was not located within any area, territory, or jurisdiction serve by a

¹ On June 22, 1999, Evan Energy Company, L.C. filed with the Commission a notification of its plan to provide transmission and services to Red Onion State Prison. This matter has been docketed as Case No. PUE990434.

municipal corporation that provided gas distribution service as of January 1, 1992.

The Commission finds that this matter should be docketed. Upon consideration of the notification and the Division of Energy Regulation investigation, the Commission determines that Red Onion State Prison is not located within a territory for which a certificate has been granted nor, as of the time the Commission received the notification provided for by § 56-265.4:5 of the Code of Virginia, is it located within any area, territory, or jurisdiction served by a municipal corporation that provided gas distribution service as of January 1, 1992.

The Commission further finds that this Order Docketing Proceeding and Providing for Notice shall serve as notice of Equitable Production's plans to furnish gas service, and a copy shall be mailed to all public utilities providing gas service in the Commonwealth.

Accordingly, IT IS ORDERED THAT:

(1) This matter shall be docketed and assigned Case No. PUE990435; that all associated papers be filed therein; and that a copy of the notification and associated papers be available for public inspection in the Commission's Document Control Center, located on the First Floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, between 8:15 a.m. and 5:00 p.m. on all regular Commission business days.

(2) Forthwith upon receipt, the Clerk of the Commission, Document Control Center shall serve by United States mail a copy of this Order upon public utilities providing natural gas service in the Commonwealth, as listed in Appendix A.

(3) Within sixty (60) days of the date of this Order, any public utility providing gas service in the Commonwealth may apply to the Commission to provide the service proposed in this notification by Equitable Production.

(4) This matter shall be continued.